

**SIEMENS**RECEIVED  
CENTRAL FAX CENTER**FACSIMILE COVER SHEET**

AUG 30 2005

In the UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: KEVIN S. DIBBLE

Application No. 10/017,209

Attny Docket No: 020533.0437 (2002P00902US)

Filed: 12/13/2001

Title: NETWORK INTERFACE DEVICE AND METHOD

Examiner: ALEXANDER JAMAL

Art Unit: 2643

➔ **FACSIMILE ATTN TO: ALEXANDER JAMAL FAX NO.: 571-273-8300****NOTICE OF APPEAL**Commissioner for Patents  
Alexandria, Virginia 22313-1450**Certificate of Transmission under 37 CFR 1.8**I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on  
AUGUST 30, 2005.

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

This facsimile cover sheet which includes a Certificate of Transmission under 37 CFR 1.8 (1 pg)  
PTO/SB/21 Transmittal (1 pg)  
PTO/SB/31 NOTICE OF APPEAL (1 pg)**Number of pages being transmitted (including this cover sheet): 3 pgs**RECEIVED  
OIPE/IAP


AUG 31 2005

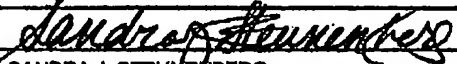
The information contained in this facsimile message may contain attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us. Thank you.

**Siemens Corporation**Legal and Intellectual Property  
Department4400 Alafaya Trail  
Orlando Florida 32826Tel: 407-736-2472  
FAX: 407-736-6440

<b>TRANSMITTAL FORM</b>		Application Number	10/017,209
		Filing Date	12/13/2001
		First Named Inventor	Kevin S. Dibble
		Art Unit	2643
		Examiner Name	ALEXANDER JAMAL
(to be used for all correspondence after initial filing)		Total Number of Pages in This Submission	3
		Attorney Docket Number	020533.0437 (2002P00902US)

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input checked="" type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Facsimile Cover Sheet including a certificate of transmission under 37 CFR 1.8
<b>Remarks</b> PTO/SB/31 NOTICE OF APPEAL from the Examiner to the Board of Patent Appeals and Interferences is being submitted herewith.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	SIEMENS		
Signature			
Printed Name	JOHN P. MUSONE		
Date	AUGUST 30, 2005	Reg. No.	44,961

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	SANDRA J. STEUNENBERG	Date	AUGUST 30, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/31 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional) 020533.0437 (2002P00902US)	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>AUGUST 30, 2005</u> . Signature <u><i>Sandra J. Steunenberg</i></u> Typed or printed name <u>Sandra J. Steunenberg</u>	In re Application of <b>KEVIN S. DIBBLE</b> <hr/> Application Number 10/017,209 <hr/> Filed 12/13/2001 <hr/> For <b>NETWORK INTERFACE DEVICE AND METHOD</b> <hr/> Art Unit 2643 Examiner <b>ALEXANDER JAMAL</b>		
	<b>RECEIVED CENTRAL FAX CENTER AUG 30 2005</b>		
	Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner. The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) <div style="text-align: right;">\$ <u>500</u></div> <p> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:  <div style="text-align: right;">\$ _____</div> </p> <p> <input type="checkbox"/> A check in the amount of the fee is enclosed.         </p> <p> <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.         </p> <p> <input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.         </p> <p> <input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>19-2179</u>. I have enclosed a duplicate copy of this sheet.         </p> <p> <input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.         </p> <p> <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.         </p> <p>         I am the  <input type="checkbox"/> applicant/inventor.  <input type="checkbox"/> assignee of record of the entire interest.              See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.              (Form PTO/SB/98)  <input type="checkbox"/> attorney or agent of record.              Registration number _____  <input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34.              Registration number if acting under 37 CFR 1.34. <u>44.961</u> </p> <div style="text-align: right; margin-top: 20px;"> <u><i>[Signature]</i></u>          Signature  <u>JOHN P. MUSONE</u>          Typed or printed name  <u>407-736-6449</u>          Telephone number  <u>AUGUST 30, 2005</u>          Date       </div> <p>         NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below".       </p>		

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.8. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.